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May 20, 2013

The Honorable Jim Hood
Attorney General of Mississippi
Post Office Box 220
Jackson, Mississippi 39205-0220

Re: April 1, 2013 Letter to Google

Dear Attorney General Hood:

I write in response to your letter of April 1, 2013 regarding illegal websites selling counterfeit and/or otherwise unlawful products.

Many of the specific issues raised in your letter have been addressed in our April 19th response to the the follow-up questions from the National Association of Attorneys General Intellectual Property Committee Stakeholder Discussion, a copy of which I include herewith for ease of reference.

As a further follow-up, please find a brief summary of Google's specific efforts to help combat illegal pharmacies online. This is an area that Google takes quite seriously and one in which we are leading the industry in the fight against counterfeit and illegal pharmaceuticals.

Advertising

Google changed its policy regarding online pharmacies in March 2010, allowing online pharmacies based in the United States to run pharmacy ads domestically only if those advertisers have been accredited under the National Association Boards of Pharmacy ("NABP") VIPPS program (<http://www.nabp.net/programs/accreditation/vipps>). Google was the first online search provider to require the stringent VIPPS certification for pharmacy advertisers, and only about 30 online pharmacies nationwide are currently VIPPS certified.

Since 2010, Google has improved and continues to improve its existing automated screening programs and to develop new tools to enhance its ability to enforce and monitor advertisers' compliance with these policies, monitoring thousands of prescription drugs terms (see <https://support.google.com/adwordspolicy/answer/2430794#>), and rejecting millions of pharma ads each year. Google's efforts extend beyond just prescription drug ads. In 2012, Google voluntarily banned ads for dangerous or deceptive herbal and dietary supplements, as well as unsafe "designer drugs" (see <https://support.google.com/adwordspolicy/answer/2423645#>).

In order to further enhance Google's enforcement of these policies, Google has also contracted with LegitScript, an independent company with knowledge of online pharmacies, to conduct

weekly "sweeps" of ads on Google (i.e., running searches of various terms associated with prescription drugs and supplements to see which ads appear) so that Google can immediately remove any ads identified by LegitScript that have managed to evade Google's policy enforcement systems.

As a result of all of these efforts, the number of illegal ads in this space on search engines like Google has declined by more than 900% percent since 2010 (see <http://www.safemedsonline.org/2013/05/companies-join-forces-to-protect-consumers-from-the-pervasive-threat-of-illegal-online-pharmacies/>).

Cooperation with Law Enforcement

Upon identifying any advertiser potentially operating a rogue online pharmacy, Google alerts appropriate law enforcement officials, resulting in thousands of criminal referrals by Google over the course of the last few years. Google also regularly cooperates with law enforcement investigations relating to illegal pharmaceuticals online, assisting investigators both formally and informally in ascertaining the data available to Google and how to lawfully obtain the same for use in connection with their investigations.

Cross-Industry Collaboration

In 2010, Google commenced discussions with the White House Intellectual Property Enforcement Coordinator's (IPEC) office to discuss mechanisms for improving cross-industry collaboration as part of efforts to thwart rogue online pharmacies. At these meetings, Google, GoDaddy, and IPEC made the case for creating a formal organization among industry stakeholders with a nexus to the pharmaceutical supply chain to better facilitate information sharing so that members of the organization could capitalize on a broader universe of information and take quicker action against rogue online pharmacies.

On December 14, 2010, IPEC announced the formation of a 501(c)(3) organization, the Center for Safe Internet Pharmacies (CSIP), that would be dedicated to promoting information sharing, education, and more efficient law enforcement of rogue online pharmacies. Since its inception, CSIP has, among other things:

1. created an information-sharing tool for its members so as to assist in identifying bad actors attempting to abuse member company platforms;
2. actively participated public service campaigns about the potential dangers associated with purchasing pharmaceuticals online (see <http://www.safemedsonline.org/protecting-consumers/psa-video-contest/>); and
3. Offered consumers a pharmacy checker tool to assist internet users in confirming that their online pharmacies are indeed legitimate (see <http://www.safemedsonline.org/protecting-consumers/check-your-pharmacy/>).

Autocomplete

With regard to objectionable phrases in Autocomplete, please note that Autocomplete predictions are algorithmically determined based on a number of factors (including popularity of search terms) without any human intervention. In other words, Autocomplete is a feature that algorithmically predicts and displays queries as users type, based on what other Google users have searched for historically, and is nothing more than a shortcut for typing common queries into Google's search engine. Removing entries from Autocomplete does nothing to preclude users from typing in objectionable queries. More information on Google's autocomplete feature can be found at:

<http://www.google.com/support/websearch/bin/answer.py?hl=en&answer=106230>

Google remains committed to free expression and only removes content from its search results (i.e., the organic results displayed based on user search queries) in a narrow set of circumstances. Google cannot adjudicate the legality of content on the web. To the extent any website appearing in Google's search results has been adjudged by a court of competent jurisdiction as illegal based on its sale of pharmaceuticals, Google voluntarily removes such websites from its search results. The court order simply need identify the specific web pages containing the illegal content so as to permit Google to identify and remove those pages from its search results.

We look forward to continuing to work with you and the National Association of Attorneys General Intellectual Property Committee, which you co-chair, to resolve any outstanding issues.

Best regards,

A handwritten signature in blue ink, appearing to read 'A. Barea', with a long horizontal flourish extending to the right.

Adam L. Barea
Director, Legal
Google Inc.